

# Agenda

## Advisory Committee on Rules of Appellate Procedure

May 5, 2016

12:00 to 1:30 p.m.

Scott M. Matheson Courthouse

450 South State Street

Judicial Council Room

Administrative Office of the Courts, Suite N31

Welcome and approval of minutes.	Tab 1	Joan Watt
Further follow up to e-filing.	Tab 2	Tim Shea
Rule 52. Child welfare appeals.	Tab 3	Mary Westby
Rule 37. Suggestion of mootness; voluntary dismissal.	Tab 4	Judge Voros
Rule 23D. Challenging the constitutionality of a statute or ordinance.	Tab 5	Tim Shea
Rule 40. Attorney's or party's certificate; sanctions and discipline.	Tab 6	Tim Shea
Proposed meeting schedule		Joan Watt

**Committee Webpage:** [http://www.utcourts.gov/committees/appellate\\_procedure/](http://www.utcourts.gov/committees/appellate_procedure/)

**Meeting Schedule.** All meetings are from 12:00 to 1:30 at the Administrative Office of the Courts in the Matheson Courthouse.

June 2, 2016

September 1, 2016

October 6, 2016

November 3, 2016

December 1, 2016

January 5, 2017

February 2, 2017

March 2, 2017

April 6, 2017

May 4, 2017

June 1, 2017

September 7, 2017

October 5, 2017

November 2, 2017

December 7, 2017

# Tab 1

**MINUTES**

**SUPREME COURT’S ADVISORY COMMITTEE ON THE  
UTAH RULES OF APPELLATE PROCEDURE**

Administrative Office of the Courts  
450 South State Street  
Salt Lake City, Utah 84114

Judicial Council Room  
Thursday, April 5, 2016  
12:00 p.m. to 1:30 p.m.

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**PRESENT**

Joan Watt- Chair  
Troy Booher  
Marian Decker  
Alan Mouritsen  
Judge Gregory Orme  
Adam Pace – Recording Secretary  
Rodney Parker  
Bridget Romano  
Clark Sabey  
Lori Seppi  
Tim Shea-Staff  
Ann Marie Taliaferro  
Judge Fred Voros  
Mary Westby

**EXCUSED**

R. Shawn Gunnarson  
Paul Burke

**1. Welcome and approval of minutes**

**Joan Watt**

Ms. Watt welcomed the committee to the meeting and invited a motion to approve the minutes from the March meeting. Mr. Sabey requested that the third paragraph in page 3 of the minutes be changed from “Mr. Sabey expressed concern” to reflect that Ms. Watt had expressed that concern, and that he had asked her a question about it. The minutes were also amended to reflect that Ms. Romano was present at the meeting and that Ms. Taliaferro was not.

*Mr. Sabey moved to approve the March minutes as amended. Ms. Seppi seconded the motion and it passed unanimously.*

**2. Consideration of comments to Rule 4  
Motion to reinstate the time to appeal.**

**Tim Shea**

Mr. Shea reported on the status of the package of civil and appellate rules designed to treat a motion or claim for attorney fees the same as other post-trial motions. There were no public comments to Rule 4. There were some comments to the civil rules in the package (54, 58A, and 73), but none that had to do with adding motions or claims for attorney fees to the list of Rule 4(b) motions. The civil committee has approved the civil rules in the package, and they are ready to be submitted to the Utah Supreme Court together with this committee's recommendation on Rule 4.

Mr. Shea reported that the civil rules committee views the package of amendments as tolling the time for appeal for both (1) post-judgment motions or claims for attorney fees; and 2) post-judgment motions or claims to determine the *amount* of attorneys fees, where the court has already entered an award of attorneys fees prior to the final judgment. This response resolved the concern this committee raised in the March meeting when discussing this issue. Ms. Watt invited a motion to approve Rule 4.

*Mr. Sabey moved to approve the amended Rule 4 and recommend it to the Utah Supreme Court. Mr. Booher seconded the motion and it passed unanimously.*

Mr. Shea raised the issue of whether there should be a time limit for appeals from criminal judgments of the district court, and, if so, what should the limit be. Ms. Watt suggested, and the committee agreed, to defer this discussion and place it on the agenda for a future meeting.

### **3. Consideration of comments to e-filing rules.**

**Tim Shea**

Mr. Shea explained that development of the e-filing system has been delayed, and that it will not be ready by July 1, 2016 as originally estimated. The current estimate is that it will be available in the Fall. However, that is not a realistic estimate, and it is likely that the system will not be ready until next year.

Mr. Shea explained that the clerks of court have requested some interim action be taken to allow documents other than briefs (such as docketing statements, motions, etc.) to be filed by email only, until the e-filing system is ready. This is a matter of administrative convenience. Mr. Shea asked the committee to consider whether some of the new e-filing rules could be adopted before the e-filing system is launched to accomplish this. Another suggestion was to enter a standing order to allow the practice.

Ms. Seppi commented that it makes sense to leave the rules alone for now; adopt the e-filing rules when the e-filing system is ready; and enter a standing order that permits the documents to be emailed. Mr. Parker opposed adopting the e-filing rules in a piecemeal fashion and commented that doing so would lead to chaos. The committee discussed and agreed that the e-filing rules should not be adopted piecemeal, and that it is better to wait to adopt them until the e-filing system is ready.

The committee discussed whether a standing order should be entered to accommodate the clerks' request to allow email filing of documents. Judge Voros commented that he generally

does not like standing orders, and that anything that can go in a rule should go in the rule because practitioners are more likely see them. However, if email filing is made optional and is not required, he does not have a problem with it being in a standing order. Ms. Watt commented that a standing order is a good idea for an interim step, because it will take too long to get the rule changed and it will just be changed again when the e-filing system is ready. She suggested that briefs and anything jurisdictional should be exempted from email filing. Mr. Parker suggested that if a standing order is used, it should state that email filing is treated like service by mail, which allows for 3 extra days.

Ms. Romano asked whether the deadline for email filings should be 5 p.m. or midnight. The committee discussed and agreed that the court should decide, but that whatever the deadline is it should be the same for all filings.

Mr. Booher commented that instead of a standing order, the court could authorize email filing in the opening letter it sends to the parties on appeal, similar to the old practice of allowing documents less than 5 pages to be submitted by fax. Mr. Mouritsen commented that this would be similar to the court's current practice of permitting parties to file unbound copies of briefs.

Overall, the committee agreed that it is a good idea to have an interim system that allows email filing of documents other than briefs or jurisdictional filings, and that this could be accomplished either through a standing order or by authorizing the practice in the court's opening letter to the parties.

### Comments to e-filing rules

Mr. Shea reported on the public comments that were received to the e-filing rules, as well as comments received during the e-filing CLE presentation. These comments were summarized in a hand-out that he distributed to the committee entitled "CLE Follow Up and Comments to E-filing rules." The committee discussed each comment and decided on the following actions:

- 1) The committee discussed and agreed that the e-filing system should allow for service to multiple email addresses. Mr. Shea said he would follow up on this point with the development team.
- 2) Several comments addressed the need to re-write Rule 21A to provide text strings for citing to the record for multiple cases in multiple courts. The subcommittee met and suggested a solution using modified test strings to address records from the district court (D:#:#), juvenile court (J:#:#), justice court (U:#:#), Court of Appeals (A:#:#), and Supreme Court (S:#:#). In a multiple case scenario, the text string will include a number (i.e., D1:#:#). The committee discussed and agreed that parties should identify other cases associated with the appeal in the docketing statement or in a supplemental letter to the court.
- 3) Several comments pointed out typos or suggested minor word changes in the rules. Mr. Shea said he will present a revised draft of the rules at the next meeting.

Mr. Shea stated he will keep the committee apprised of the status of e-filing. The other items on the agenda were tabled until the next meeting.

#### **4. Adjourn**

The meeting was adjourned at 1:34 p.m. The next meeting will be held on Thursday, May 5, 2016.

# Tab 2



Timothy M. Shea  
Appellate Court Administrator

Andrea R. Martinez  
Clerk of Court

## Supreme Court of Utah

450 South State Street  
P.O. Box 140210  
Salt Lake City, Utah 84114-0210  
Appellate Clerks' Office  
Telephone 801-578-3900

April 28, 2016

Matthew B. Durrant  
Chief Justice  
Thomas R. Lee  
Associate Chief Justice  
Christine M. Durham  
Justice  
Deno G. Himonas  
Justice  
John A. Pearce  
Justice

**To:** Appellate Rules Committee  
**From:** Tim Shea *T. Shea*  
**Re:** More follow-up on electronic filing

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The comments and questions at the CLE about electronic filing and those in response to the request for comments to the proposed rule amendments showed the need for all manner of information, instructions, and templates, which we will deliver on the court's website. The only topic raised thus far that needs to be addressed by rule involves the preparation and presentation of the record. I've identified three issues.

First, new Rule 21A governing hyperlinks needs to better specify the text string to link to cases. I have attached my proposal, which was discussed in concept at the last meeting.

Second, to programmatically associate cases in order to link to the record of more than one case, the computer needs a specified event that triggers a specified process. The two most common scenarios are:

- the records of two or more cases consolidated on appeal; and
- the record of a case not on appeal associated with a case that is on appeal (e.g., a criminal conviction that is collaterally reviewed through a petition for post-conviction relief).

There is a legal difference between the two, but not a practical programming difference. In the first circumstance, the appellate court can affect the judgment in every case that has been consolidated. In the second, the court can affect the judgment only of the case that is on appeal. In both circumstances the computer needs to present the record of multiple cases to the parties and to the appellate court.

One option is to give the decision to the parties and present them with a screen that allows them to consolidate or associate cases. (We have used the word "associate" in the conversations thus far, but perhaps there is a more precise term.)



If that discretion might be mistakenly or purposefully misused, pulling in unrelated cases or allowing unauthorized access to restricted records, then the court needs to make the decision, which means a process for doing so.

I recommend a rule that creates a process for consolidation and a process for association. The processes should be available to be invoked by motion or on the court's initiative. I am not aware of any rules governing consolidation or the criminal records in a PCRA appeal, but if there are generally recognized conditions, limits, or standards, the new rule should memorialize them. Such a rule would probably best fit in the Rule 23 series describing motions. I recommend against using the docketing statement or supplementing the record for this purpose because we do not want those events to universally trigger this process.

Third, Rule 11 may need to accommodate records that have not been digitized. The district court and juvenile court have been electronically filing documents or scanning paper filings for several years. There should be no pending cases that consist exclusively of paper records, and the number of pending cases consisting partially of paper records is declining.

However, the records of older criminal convictions that might be associated in the appeal of a PCRA case are exclusively paper. Any documents in the criminal conviction that have been scanned and made a part of the record in the PCRA case will automatically be part of the record on appeal, but we should anticipate circumstances in which there is a voluminous paper record.

The policy needs to require scanning in all circumstances or recognize the conditions that permit a more traditional record.

Finally, you asked that I inquire about the ability to serve documents on persons other than the attorney of record. A "notice area" has already been designed but not programmed. The notice area will include notice of all documents electronically filed by parties and notices and documents prepared by the court. The attorney will be able to grant others access to some or all of the attorney's cases. Originally planned for lawyers without a Utah license appearing *pro hac vice*, the notice area can be used to grant access to a paralegal, administrative assistant, or other associate.

The comment on the website and the conversation at the last meeting focused on email as the mechanism by which documents and notices would be transmitted. This was not planned, but it can be added.

1 **Rule 21A. Hyperlinks.**

2 **(a) Required and permitted links.** If a filing cites to a document in the record, the citation in a filing  
3 by a lawyer must link to the document, and the citation in a filing by a self-represented party may link to  
4 the document.

5 **(b) Displayed text of link.**

6 (b)(1) The displayed text of a link to a document must be set forth as follows:

7 (b)(1)(A) For a single case:

- District Court      D:#:#
- Juvenile Court      J:#:#
- Justice Court      U:#:#
- Court of Appeals      A:#:#
- Supreme Court      S:#:#

8 The alpha character designates the court in which the document has been filed, the first  
9 hashtag is the docket number of the document, and the second hashtag is the PDF page number  
10 on which the reference begins.

11 (b)(1)(B) For multiple cases:

- District Court      D1:#:#  
                                 D2:#:#
- Juvenile Court      J1:#:#  
                                 J2:#:#
- Justice Court      U1:#:#  
                                 U2:#:#
- Court of Appeals      A1:#:#  
                                 A2:#:#
- Supreme Court      S1:#:#  
                                 S2:#:#

12 The alpha character designates the court in which the document has been filed, the digit is  
13 the sequence of the case assigned by the computer, the first hashtag is the docket number of the  
14 document, and the second hashtag is the PDF page number on which the reference begins.

15 (b)(2) A party may set forth a further reference to a document to aid the reader, such as a  
16 document title, paragraph number, section number, etc., but the reference must not interfere with the  
17 text string described in paragraph (b)(1).

18 **(c) Displayed text of citation.** If the citation in a filing by a self-represented party does not link to the  
19 document, the document must be attached in an addendum to the filing, and the displayed text of the  
20 citation must include the name of the document and the page number on which the document begins.

21 **Advisory Committee Notes**

22        The electronic filing application recognizes the text strings specified in this rule and automatically  
23 generates the link to the document and page specified by the author. For the application to work, the text  
24 string must be created precisely as described in this rule. If there are any deviations—even minor  
25 deviations—the application will not recognize the text string.

26        Most appeals involve only one case, and the text string should be as specified in paragraph (b)(1)(A).  
27 If an appeal involves two or more cases, the text string should be as specified in paragraph (b)(1)(B).

28 Examples of multiple cases include:

- 29        • separate trial court cases that are consolidated on appeal; and
- 30        • a case not on appeal that is associated with the case that is on appeal, such as the previous  
31 criminal case is associated with the appeal of a post-conviction relief case.

32        For more information and instructions on creating links, see the court’s webpage [URL for webpage  
33 describing links].

34

# Tab 3

1       **Rule 52. Child welfare appeals.**

2       **(a) Time for appeal.** A notice of appeal from an order in a child welfare proceeding, as defined in  
3 Rule 1(f), must be filed within 15 days of the entry of the order appealed from. ~~If a timely post judgment~~  
4 ~~motion is filed pursuant to Utah Rules of Civil Procedure 50(b), 52(b), or 59, the time for appeal shall run~~  
5 ~~from the entry of the order disposing of the motion.~~

6       **(b) Time for appeal extended by certain motions.**

7       (b)(1) If a party timely files in the trial court any of the following, the time for all parties to appeal  
8 from the judgment runs from the entry of the dispositive order:

9       (b)(1)(A) A motion for judgment under Rule 50(b) of the Utah Rules of Civil Procedure:

10       (b)(1)(B) A motion to amend or make additional findings of fact, whether or not an alteration  
11 of the judgment would be required if the motion is granted, under Rule 52(b) of the Utah Rules of  
12 Civil Procedure;

13       (b)(1)(C) A motion to alter or amend the judgment under Rule 59 of the Utah Rules of Civil  
14 Procedure; or

15       (b)(1)(D) A motion for a new trial under Rule 59 of the Utah Rules of Civil Procedure.

16       (b)(2) A notice of appeal filed after announcement or entry of judgment, but before entry of an  
17 order disposing of any motion listed in paragraph (b), will be treated as filed after entry of the order  
18 and on the day thereof, except that the notice of appeal is effective to appeal only from the underlying  
19 judgment. To appeal from a final order disposing of any motion listed in paragraph (b)(1), a party  
20 must file a notice of appeal or an amended notice of appeal within the prescribed time measured from  
21 the entry of the order.

22       ~~**(b)(c) Time for cross-appeal.** A notice of cross-appeal may be filed within the 15 days for filing a~~  
23 ~~notice of appeal or~~ If a timely notice of appeal is filed by a party, any other party may file a notice of  
24 appeal within 5 days after a notice of appeal is filed after the date on which the first notice of appeal is  
25 docketed in the court in which it was filed, or within the time otherwise prescribed by paragraphs (a) and  
26 (b) of this rule, whichever period last expires.

27       ~~**(e)(d) Appeals of interlocutory orders.** Appeals from interlocutory orders are governed by Rule 5.~~

28

# Tab 4

**Rule 37. Suggestion of mootness; voluntary dismissal.**

**(a) Suggestion of mootness.** ~~It is the duty of each party at all times during the course of an appeal or other proceeding to inform the court of any~~ Any party aware of circumstances which have transpired subsequent to the filing of the appeal or other proceeding ~~which that likely~~ render moot one or more of the issues ~~raised presented for review must.~~ ~~If a party determines that one or more, but less than all, of the issues have been rendered moot, the party shall promptly advise the court by filing~~ file a "suggestion of mootness" in the form of a motion under Rule 23. ~~If all parties to an appeal or other proceeding agree as to the mootness of one or more, but less than all, of the issues raised, a stipulation to that effect shall be filed with the suggestion of mootness. If an appellant determines all issues raised in the appeal or other proceeding are moot, a motion for voluntary dismissal shall be filed pursuant to the provisions of paragraph (b) of this rule.~~

**(b) Voluntary dismissal.** ~~At any time prior to~~ before the issuance of a decision an appellant may move to voluntarily dismiss an appeal or other proceeding. ~~If all parties to an appeal or other proceeding agree that dismissal is appropriate, a stipulation to that effect shall~~ must be filed with the motion ~~for voluntary dismissal. Any such~~ The stipulation shall specify the terms as to payment of costs and attorney fees, if applicable, and provide for payment of whatever fees are due. If all parties stipulate in writing that a case be dismissed, specifying the terms for payment of applicable costs and attorney fees, and pay any fees then due the court, the clerk of the court will enter an order dismissing the appeal or other proceeding.

**(c) When affidavit or declaration is required.** ~~If the~~ the appellant has the right to effective assistance of counsel, a motion ~~to voluntarily dismiss for~~ voluntary dismissal for reasons other than mootness ~~shall~~ must be accompanied by appellant's personal affidavit or declaration under Section 78B-5-705 demonstrating that the appellant's decision to dismiss the appeal is voluntary and made with knowledge of the right to an appeal and ~~an understanding of the consequences of~~ voluntary dismissal. If an attorney representing the appellant has lost communication with the appellant, the motion must be accompanied by the attorney's affidavit or declaration to that effect and stating the basis of the motion.

~~(d) A suggestion of mootness or motion for voluntary dismissal shall be subject to the appellate court's approval.~~

**Advisory Committee Notes**

Criminal defendants have a constitutional right to the effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); State v. Arguelles, 921 P.2d 439, 441 (Utah 1996). Parties in juvenile court proceedings have a statutory right to effective assistance of counsel. State ex rel. E.H. v. A.H., 880 P.2d 11, 13 (Utah App. 1994); ~~see Utah Code Ann. § 78-3a-913(1)(a)(Supp. 1998). To protect these rights and the right to appeal, Utah Code Ann. § 77-18a-1(1)(Supp. 1998); id. § 78-3a-909(1)(1996), the last sentence was added to Rule 37(b) to Paragraph (c) assures~~ that the decision to abandon an appeal is an informed choice made by the appellant, not ~~unilaterally by~~ the appellant's attorney.

# Tab 5





Timothy M. Shea  
Appellate Court Administrator

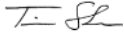
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## Supreme Court of Utah

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Deno G. Himonas  
Justice  
John A. Pearce  
Justice

**To:** Appellate Rules Committee  
**From:** Tim Shea   
**Re:** Rule 23D

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The Supreme Court asked me to draft a rule requiring the parties to serve their briefs on the AG (or the county or municipal attorney, as the case may be) if a party challenges the constitutionality of a statute (or ordinance). The attached draft includes that scenario, as well as one in which the trial court has already ruled that a statute or ordinance is unconstitutional.

The proposal requires the AG to notify the court of his intent and allows the AG to then file an amicus brief without following the process described in Rule 25.

The court could “call for the views” of the AG, in the form of an amicus brief, and require the AG to address particular issues.

1 **Rule 23D. Challenging the constitutionality of a statute or ordinance.**

2 **(a) Notice to the attorney general or the county or municipal attorney; penalty for failure to**  
3 **give notice.**

4 (a)(1) If any party presents for review the constitutionality of a statute or ordinance in its brief,  
5 every party must serve its brief on the attorney general or the county or municipal attorney, as  
6 appropriate, and file proof of service with the court.

7 (a)(2) If a party fails to serve its brief as required by this rule, the party is liable for costs,  
8 expenses, and attorney fees caused by the failure.

9 **(b) Notice by the attorney general or county or municipal attorney; amicus brief.** No later than 7  
10 days after service of the appellee’s brief under paragraph (a), the attorney general or the county or  
11 municipal attorney must file notice of whether it intends to file an amicus brief. Without further leave of the  
12 court, the attorney general or the county or municipal attorney may file an amicus brief no later than 14  
13 days after the appellee’s brief.

14 **(c) Call for the views of the attorney general or county or municipal attorney.** If a party presents  
15 for review the constitutionality of a statute or ordinance, the appellate court may call for the views of the  
16 attorney general or the county or municipal attorney and set a schedule for an amicus brief. The attorney  
17 general or the county or municipal attorney must address any issues identified by the court.

18

# Tab 6



Timothy M. Shea  
Appellate Court Administrator

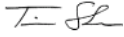
Andrea R. Martinez  
Clerk of Court

## Supreme Court of Utah

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April 28, 2016

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Justice  
John A. Pearce  
Justice

**To:** Appellate Rules Committee  
**From:** Tim Shea   
**Re:** Rule 40

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The Supreme Court asked me to draft amendments to Rule 40 to better describe the grounds for sanctions imposed by the court, the process, and what those sanctions might be. I've been through the rules of a few other jurisdictions to develop the attached proposal.

1 **Rule 40. Attorney's or party's signature; representations to the court; sanctions and discipline.**

2 **(a) Attorney's or party's signature.** Every motion, brief, and other document must be signed by at  
3 least one attorney of record who is an active member in good standing of the Bar of this state or by a  
4 party who is self-represented. A person may sign a document using any form of signature recognized by  
5 law as binding.

6 **(b) Representations to court.** The signature of an attorney or self-represented party certifies that to  
7 the best of the person's knowledge formed after an inquiry reasonable under the circumstances:

8 (b)(1) the filing is not being presented for any improper purpose, such as to harass or to cause  
9 unnecessary delay or needless increase in the cost of litigation;

10 (b)(2) the legal contentions are warranted by existing law or by a nonfrivolous argument for the  
11 extension, modification, or reversal of existing law or the establishment of new law;

12 (b)(3) the factual contentions are supported by the record on appeal; and

13 (b)(4)(A) the filing contains no information or records classified as private, controlled, protected,  
14 safeguarded, sealed, juvenile court legal, or juvenile court social or any other information or records  
15 to which the right of public access is restricted by statute, rule, order, or caselaw; or

16 (b)(4)(B) a filing required by Rule [21\(g\)](#) that does not contain information or records classified as  
17 private, controlled, protected, safeguarded, sealed, juvenile court legal, or juvenile court social or any  
18 other information or records to which the right of public access is restricted by statute, rule, order, or  
19 caselaw is being filed simultaneously.

20 **(c) Sanctions and discipline of attorneys and parties.**

21 ~~(c)(1) The court may, after reasonable notice and an opportunity to show cause to the contrary,~~  
22 ~~and upon hearing, if requested, take appropriate action~~ enter a discipline order against any an  
23 attorney or person a self-represented party who practices appears before it for inadequate  
24 representation of a client, conduct unbecoming a member of the Bar or a person allowed to appear  
25 before the court, an attorney or a self-represented party or for failure to comply with these rules or a  
26 court order of the court. In addition the court may enter a discipline order against an attorney for  
27 inadequate representation of a client.

28 (c)(2) When alleged conduct constituting grounds for discipline comes to the attention of the  
29 court, the court may enter an order to show cause why a discipline order should not be entered. The  
30 order to show cause will describe the alleged conduct, and the clerk of the court will send the order to  
31 the attorney or self-represented party.

32 (c)(3) No later than 14 days after receiving the order the self-represented party or attorney may  
33 file a memorandum showing cause why a discipline order should not be entered and may request a  
34 hearing.

35 (c)(4) If the self-represented party or attorney fails to show cause why a discipline order should  
36 not be entered, the court may enter the order, which may include suspension from practice before the

37 court for a definite or indefinite term; reprimand; financial penalty; or any other appropriate sanction  
38 other than disbarment or suspension from the practice of law.

39 (c)(5) A financial penalty is the personal responsibility of the person disciplined, and may not be  
40 reimbursed by a client. A person suspended from practice before the court for a definite term is  
41 automatically reinstated at the end of the term. A person suspended from practice before the court for  
42 an indefinite term may be reinstated only by order of the court. A person suspended from practice  
43 before the court who represents clients before the court must promptly notify the clients of the term of  
44 the suspension.

45 ~~(c)(6) Any action to suspend or disbar a member of the Utah State Bar shall be referred. If the~~  
46 person disciplined is an attorney, the clerk of the court will promptly send the discipline order to the  
47 Office of Professional Conduct of the Utah State Bar.

48 **(d) Rule does not affect contempt power.** This rule does not limit or impair the court's inherent and  
49 statutory contempt powers.

50 **(e) Appearance of counsel pro hac vice.** An attorney who is licensed to practice before the bar of  
51 another state or a foreign country but who is not a member of the Bar of this state, may appear, pro hac  
52 vice upon motion, filed pursuant to Rule [14-806](#) of the Rules Governing the Utah State Bar. A separate  
53 motion is not required in the appellate court if the attorney has previously been admitted pro hac vice in  
54 the trial court or agency, but the attorney shall file in the appellate court a notice of appearance pro hac  
55 vice to that effect.

56 **Advisory Committee Notes**

57 Records are classified as public, private, controlled, protected, safeguarded, sealed, juvenile court  
58 legal, or juvenile court social by Code of Judicial Administration Rule 4-202.02. The right of public access  
59 might also be restricted by [Title 63G, Chapter 2, Government Records Access and Management Act](#), by  
60 other statutes, rules, or caselaw, or by court order. If a filing contains information or records that are not  
61 public, Rule [21\(g\)](#) requires the filer to file an unredacted version for the court and a version for the public  
62 that does not contain the confidential information.

63